

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2247

To amend the Fair Housing Act to modify the exemption from certain familial status discrimination prohibitions granted to housing for older persons, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JUNE 29 (legislative day, JUNE 7), 1994

Mr. GORTON introduced the following bill; which was read twice and referred to the Committee on Banking, Housing, and Urban Affairs

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## A BILL

To amend the Fair Housing Act to modify the exemption from certain familial status discrimination prohibitions granted to housing for older persons, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Housing for Older Per-  
5       sons Act of 1994”.

1 **SEC. 2. DEFINITION OF HOUSING FOR OLDER PERSONS.**

2 Subparagraph (C) of section 807(b)(2) of the Fair  
3 Housing Act (42 U.S.C. 3607(b)(2)) is amended to read  
4 as follows:

5 “(C) that meets the following requirements:

6 “(i) The housing is in a facility or commu-  
7 nity intended and operated for the occupancy of  
8 at least 80 percent of the occupied units by at  
9 least one person 55 years of age or older.

10 “(ii) The housing facility or community  
11 publishes and adheres to policies and proce-  
12 dures that demonstrate the intent required  
13 under clause (i), whether or not such policies  
14 and procedures are set forth in the governing  
15 documents of such facility or community.

16 “(iii) The housing facility or community  
17 complies with rules made by the Secretary for  
18 the verification of occupancy. Such rules shall  
19 allow for that verification by reliable surveys  
20 and affidavits and shall include examples of the  
21 types of policies and procedures relevant to a  
22 determination of compliance with the require-  
23 ment of clause (ii). Such surveys and affidavits  
24 shall be admissible in administrative and judi-  
25 cial proceedings for the purposes of such ver-  
26 ification.”.

1 **SEC. 3. GOOD FAITH ATTEMPT AT COMPLIANCE DEFENSE**  
2 **AGAINST CIVIL MONEY DAMAGES.**

3 Section 813 of the Fair Housing Act (42 U.S.C.  
4 3613) is amended by adding at the end the following:

5 “(f) GOOD FAITH RELIANCE.—(1) A person shall not  
6 be held personally liable for monetary damages for a viola-  
7 tion of this title if such person relied, in good faith, on  
8 the application of the exemption under section 807(b) re-  
9 lating to housing for older persons.

10 “(2) For the purposes of this subsection, a person  
11 engaged in the business of residential real estate trans-  
12 actions is presumed to have relied, in good faith, on the  
13 application of the exemption under section 807(b) if—

14 “(A) such person has no actual knowledge that  
15 the facility or community is not, or will not, be eligi-  
16 ble for such exemption; and

17 “(B) the facility or community certifies to such  
18 person, in writing, that the facility or community  
19 complies with the requirements for such exemp-  
20 tion.”.

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